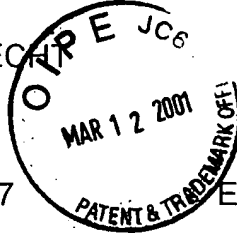


PATENT
2569-0103P

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: Wells OBRECHT
APPL. NO.: 08/900,360 GROUP: 2765
FILED: July 25, 1997 EXAMINER: CRECCA, M.
FOR: METHOD AND APPARATUS FOR PROCURING GOODS IN AN
AUTOMATED MANNER



RECEIVED
MAR 14 2001
Technology Center 210C

DECLARATION UNDER 37 C.F.R. § 1.131

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

COPY

Sir:

The undersigned, Wells Obrecht, being a citizen of the United States residing at 509 Edgevale Road, Baltimore, Maryland 21210 hereby declares and says as follows:


1. I am the sole inventor of the subject matter, in U.S. Application Serial No. 08/900,360 filed July 25, 1997. I am also the sole inventor of the priority document of that application which was a provisional application no. 60/023,282 filed July 25, 1996. All the work related to the subject matter of the present application and the provisional application was performed in the United States of America.

2. The Examiner in rejecting the claims in this application uses as one of the prior art references in a combination rejection, the article IBNL FORGES INTO THE FUTURE OF BUYING and selling with SOURCE INTERACTIVE SOFTWARE (January 10, 1996) identified as "X" in the Office Action of February 17, 2000.

3. In a Declaration signed December 7, 1999, Exhibits were presented and explained which is incorporated herein by reference.

4. Before Exhibit A was printed on or before January 10, 1996, which is the effective date of the "X" reference, I left my full time employment to work on the invention in the context claimed. Less than three weeks from the date of January 10, 1996, I worked on drafts of the Exhibit A, titled "High Level Design Automotive Live Market Exchange System". Accordingly, the totality of the evidence presented in the previous declaration and here establishes reduction to practice or conception of the invention with diligence to reduction of practice on or before the effective date of reference "X" (January 10, 1996).

I hereby declare that all statements made herein of our own knowledge are believed to be true, and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



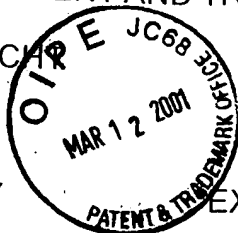
Wells Obrecht

June 6, 2000
Date

PATENT
2569-0103P

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: Wells OBRECHT
APPL. NO.: 08/900,360
FILED: July 25, 1997
GROUP: 2765
EXAMINER: CRECCA, M.

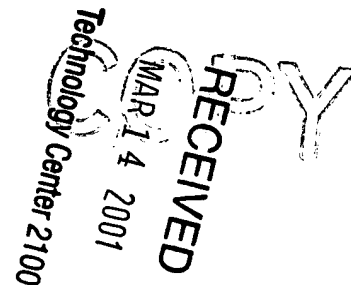


FOR: METHOD AND APPARATIS FOR PROCURING GOODS IN AN
AUTOMATED MANNER

DECLARATION UNDER 37 C.F.R. § 1.131

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:



The undersigned, Wells Obrecht, being a citizen of the United States residing at 509 Edgevale Road, Baltimore, Maryland 21210 hereby declares and says as follows:

1. I am the sole inventor of the subject matter, in U.S. Application Serial No. 08/900,360 filed July 25, 1997. I am also the sole inventor of the priority document of that application which was a provisional application no. 60/023,282 filed July 25, 1996. All the work related to the subject matter of the present application and the provisional application was performed in the United States of America.

2. The Examiner in rejecting the claims in this application uses as one of the prior art references in a combination rejection, the Govannoli patent (No. 5,758,328) issued May 26, 1998, filed on February 22, 1996.

3. The Govannoli (Patent No. 5,758,328) is directed to a system for engaging commercial transactions. Buyers accept requests for a quotation from vendors. The

buyers first identify, for example, standard goods or services that they wish to identify in a request for a quotation. These requests are submitted to sellers who are determined by the requirements set forth by the buyer. Thereafter, the sellers transmit to the buyers an offer for sale. This information can be transmitted in an internet computer network using a computerized system

4. Exhibit A, titled **High Level Design Automotive Live Market Exchange System** attached hereto, (which was published before February 22, 1996) presents evidence that the present claimed device in this application was reduced to practice or, in the alternative, conceived before the prior date of U.S. Patent 5,758,328 (filing date February 22, 1996). Exhibit A is an article written by myself and it supports the subject matter claimed in the present application. For example, directing attention to claim 1 (amended) which is directed to a method for purchasing goods or services from a seller by a buyer, this method comprises the steps which can be read on Exhibit A as follows:

1. (Amended) A method for purchasing goods or services from a seller by a buyer comprising:

- (a) receiving a request from a buyer for goods or services

with a predetermined plurality of criteria related to the goods or services; (e.g. page 3 (e.g. third paragraph), page 5, page 6 and chart page 15)

- (b) selecting at least one seller from a predetermined group of sellers of the goods or services based on the received predetermined plurality of criteria; (pages 3, 12, last two paragraphs, chart page 15)

- (c) transmitting the request of the buyer to the selected at least one seller of the goods or services; (pages 3, 12 last paragraph)

(d) receiving, within a predetermined time interval, responses from the at least one seller to the request; (chart page 15 and page 3, second paragraph)

(e) compiling information provided in the responses received from at least one seller within the predetermined time interval; (e.g. chart page 15)

(f) ranking the sellers based upon the compiled information including the plurality of criteria and selecting sellers with the relatively highest ranking; (based on criteria);

(g) providing the compiled responses of the selected sellers for access by the buyer. (page 3 and chart page 15); and

(h) I also contemplated that the sellers would be listed (ranked) based on the satisfaction of the buyers input criteria. (chart page 15).

Although the article may not use the exact wording in the claims, one skilled in the art could readily practice the present invention based on the descriptions in the article without any undue experimentation. While claim 1 has only been described, especially the independent claims 10 and 19 are encompassed by the Article.

5. Alternatively, considering the article as conception, diligence was present from at least the date of the article to after the effective date (filing date) (February 22, 1996) of U.S. Patent No. 5,758,328 based on the following:

A. In approximately a month after the article was published, I moved out of my home office and into a first commercial office.

B. In about six weeks from moving into my first office I corresponded with the Attorney General's Office of the State of Maryland regarding the legality of using my method and system in the state of Maryland. A summary of the correspondence and a notation of the meeting is attached as Exhibit B.

C. During the time of the contact with the Attorney General's Office and in about five weeks after my first contact regarding legality. I telephoned the firm of Birch, Stewart, Kolasch & Birch, LLP, (BSKB) 8110 Gatehouse Road, Suite 500 East, Falls Church, Virginia 22042, and consulted with Mr. Daley of that firm regarding applying for a patent.

D. In about two weeks, the BSKB firm sent me a letter explaining how to apply for a patent application including information regarding foreign filings, etc.

E. Within about approximately two-and-a-half weeks after receiving the letter, I authorized the BSKB firm to conduct a search of the subject matter of my invention at the U.S. Patent Office.

F. The search was completed in about ten days from the date authorized and the results communicated to me in a letter at that time.

G. From the date of the search, a disclosure was prepared, changes were made to the disclosure and a final disclosure was authorized. There was correspondence between myself and BSKB regarding editorial changes to the disclosure.

H. The final disclosure was prepared in about thirty days after the letter of the search was dated.

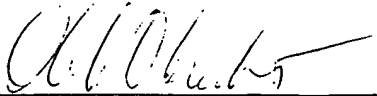
I. One day after that disclosure was authorized the provisional application was filed.

All the dates in my exhibits have been blacked out in accordance with standard patent practice.

I hereby declare that all statements made herein of our own knowledge are believed to be true, and further that these statements were made with the knowledge that

Appl. No. 08/900,360

willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Wells Obrecht

12/7/99
Date

EXHIBIT A

The Obrecht Group, Inc. ✓

High Level Design
Automotive Live Market Exchange System



Introduction

In [REDACTED], The Obrecht Group, Inc. began a full-time investigative and design effort to build a live consumer market network, focusing on the consumer automotive industry within the state of Maryland. The system, designated the Automotive Live Market Exchange System (ALMES), uses computer, telephony, and networking technologies as the backbone of the live-market network. This document serves to outline the overall design and scope of ALMES, and will serve as a blueprint for implementing the system.

ALMES Network Overview

The ALMES network (see Figure x.x) allows consumers to access the system through either a toll-free call or through the World Wide Web. World Wide Web access is identical in functionality as the 800 number – excluding the aid of a live operator. Use of the service through the 800 number is designated as the Primary Consumer Interface (PCI). World Wide Web access is designated as the Secondary Consumer Interface (SCI).

Consumers will use either the PCI or the SCI methods of accessing the network, where they will give specific information in order to obtain a bid from one of the Corporate clients. For example, they may request a quote on a [REDACTED] Ford Ranger, blue exterior, automatic transmission, ABS, and passenger side airbags. The information is processed, sent out to the appropriate clients (i.e. Ford dealerships), and within a specified amount of time a bid is returned.

Clients will be offered two ways of accessing ALMES; the Standard Service option and the Premium Service option. The Standard Service option relies upon telephone and fax technologies while the Premium Service utilizes World Wide Web Internet technology.

The ALMES network will use an integrated combination of technologies in order to most efficiently and cost-effectively process and compile information in a timely manner.

Figure x.x ALMES Network Overview

System Components

Functional Components

The components of the ALMES network which are classified by functionality as separate technologies are defined as Functional Components. They include:

Corporate LAN

- LAN Server
- LAN Operating System (OS)
- Workstations
- Workstation OS
- Networking peripherals

Corporate Database

- Database server
- Database application
- Database clients

Corporate Telephony

- Telephone service
- Fax
- CT
- IVR

Corporate Internet Services

- Web server hardware
- Web server application
- Dedicated high-speed line
- Internet access
- Corporate Wide Web

Logical Components

The ALMES network can be broken down into logical components, based upon the component's use from within the ALMES network. These components encompass a variety of overlapping technologies and are classified according to their function from within the ALMES network. They include:

- Corporate Processing component
- PCI component
- SCI component
- Client Standard Service component
- Client Premium Service component

Corporate Processing

The Corporate Processing component encompasses the central Corporate technology systems. These systems will be used by the ALMES operators to process both customer and client data. Each operator will use the following technologies to process information:

- Workstation PCs
- Local Area Network
- Database
- Computer Telephony (CT)
- Telephone service
- Fax

PCI

Customers accessing the ALMES network through the PCI will speak with one of the operators, who will guide the caller through a series of questions concerning the type of bid requested (automotive, insurance, financing) and other pertinent information needed to make a bid, including credit card verification. In order to process this information, the operator will use a combination of the following technologies:

- Database access
- Telephone service
- (CT)

SCI

Customers accessing the ALMES network through the SCI will use a Web browser to enter bidding information, submit the bid, and receive bid responses. This automated access method will implement the following technologies:

- Dedicated high-speed Internet access
- Web server hardware and software
- Database / Web server integration
- CT / Web server integration

Client Standard Service

Clients will have different options for accessing the ALMES network, each using a more sophisticated and automated methodology. The Standard Service option will consist of communications from the ALMES network via fax messaging and/or paging. This is the "low-tech" solution, allowing clients low-cost, entry-entry level access to the system. Bid information is broadcast faxed from the Corporate office to designated clients. Clients can respond with their bids by:

- Fax
- Phone using Interactive Voice Response (IVR) technology
- Phone speaking directly with operator

The IVR system will be implemented on the ALMES network at the operator's PC. Such a system will allow data to be entered directly into the database using the client's touchtone keypad.

Client Premium Service

The Premium Service requires that clients have access to the Internet through an Internet Service Provider (ISP), a PC with a high-speed modem and dedicated phone line, or a PC networked to a LAN with a high-speed, dedicated connection to an ISP. Using the World Wide Web, clients will access the ALMES network through an individual HTML page, where they can query the Corporate database for customer information, send and receive bidding information, and communicate with the operators. Clients using the Premium Service will be notified of bidding requests via electronic mail and/or paging. Implementing the Premium service requires use of the following technologies:

- Dedicated, high-speed Internet access
- Web server hardware and software
- Database / Web server integration
- CT / Web server integration

Functional Components

Corporate LAN

The Corporate LAN serves as the central network for the Obrecht Group. It is anticipated that the initial LAN configuration will be small but expandable. The Corporate LAN serves several functions:

- File sharing
- Print sharing
- Shared CT resources
- Shared access to the Internet over a dedicated line
- Access to the Corporate Wide Web
- Remote Access Services

The LAN will link together several servers, including a Web server with access to the Internet. To afford ease of Internet connectivity and to allow for future expansion, the network will run the TCP/IP protocol with IP addresses derived from InterNIC. All domain names and IP addresses will be registered with the InterNIC and will exist as fully functional and recognized IPs outside of the network. Domain Name Service (DNS) will reside with the designated Corporate Internet Service Provider (ISP).

The TCP/IP protocol will also allow for the implementation of the Corporate Wide Web.

Physical Network

The Corporate LAN will run over Ethernet 10baseT networking scheme, ensuring affordability, expandability, and satisfactory performance. 10baseT is easily installed, ideal for single office environments, and is supported by numerous vendors.

The physical network consists of network cards installed in all PCs, workstations, and servers. The cards are connected by Twisted-pair Ethernet cables to the network hub. Also connected to the hub are the network gateway and router, which allow access outside of the LAN.

LAN Server

The LAN server will include a Pentium-based 133MHz processor, with 32 MB of RAM, 1 Gig of hard disk space, an ethernet card, supporting RAID disk back-up technology and running on an Uninterruptable Power Supply. In addition, a second machine with matching specifications will be on site in case of primary failure.

LAN OS

The Corporate LAN will run Windows NT as its operating system, supporting both NETBEUI and TCP/IP networking protocols. The NT Server will allow for the use of multiple platforms from within the LAN, provide a high-level of security and fault-tolerance to the LAN, and give a great degree of flexibility and scalability for future expansion.

NT costs substantially less than the UNIX OS, in terms of hardware, software, and maintenance costs, while providing comparable levels of performance. In addition, industry support for NT is rapidly growing, making it the solution of choice of many enterprise-wide primary and ancillary networks. NT supports a easy to use GUI, is expandable to the enterprise level, and has rich and diverse vendor development and support.

Workstations

Workstations will include a Pentium-based 100 MHz processor, with 16 MB of RAM, 1 Gig of hard disk space, telephony and ethernet cards, color SVGA 14" monitors, and external speakers and microphones.

Workstation OS

The workstations will run under Windows 95, supporting both NETBEUI and TCP/IP protocols. Windows 95 easily interfaces with the NT Server, supports Telephony Application Programming Interface (TAPI), and is widely supported by vendors.

The integration of CT with Corporate Service Representatives will become increasingly crucial as the business expands. As such, Windows 95 currently provides the most robust set of telephony tools and integration options

Remote Access Services

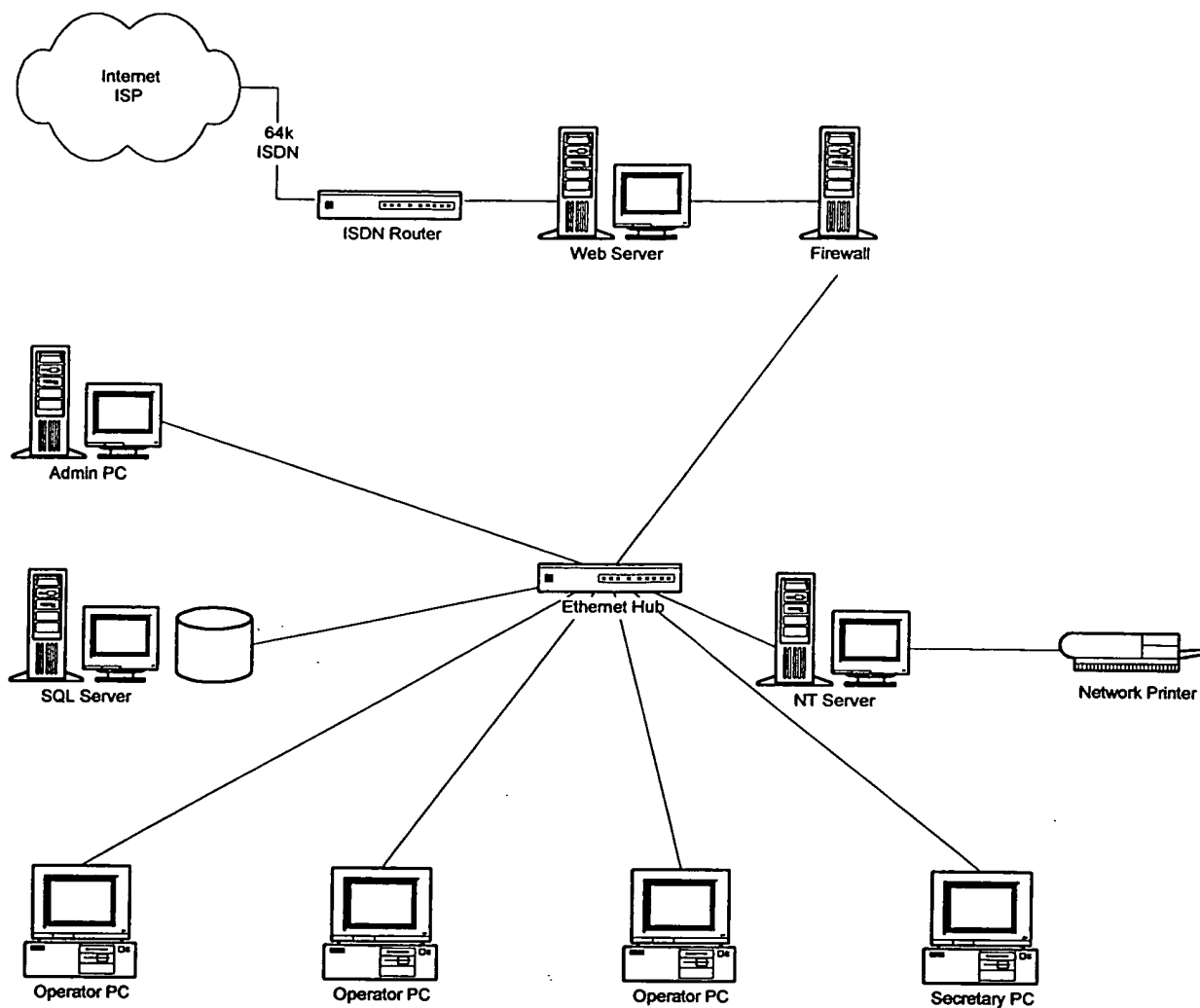
The Corporate LAN will use high-speed modems to allow Corporate users to access the LAN remotely. Windows NT and Windows 95 both support RAS. RAS will be used by the sales force and will allow for telecommuting.

Integration

All components of the ALMES network need access to the Corporate database. Traditionally, database solutions require the development custom of client/server applications as well as the appropriate number of licenses. An alternative to developing custom applications is to use a Corporate Wide Web to access the database. The benefits of using a CWW include:

- Single user interface for multiple applications (order entry, customer queries, Corporate guidelines, Internet access, etc.)
- No custom client application development
- One license per web server with multiple clients per web server
- Use of open standards allows for scalability and expansion
- Easier and more cost effective to implement Wide Area Networking

Figure 1.1 ALMES Design and Functionality



Corporate Wide Web

The core user interface for ALMES will be a HTML compatible browser, supporting HTML 3.0 standards as well as Netscape and Microsoft Explorer extensions. The browser interface will access the corporate database and allow users to both query and add database information.

A secure Web server supporting SHTTP or RSA security encryption will be used to verify user access to various information in both the flat-file HTML structure and the database. Such password protection allows three distinct user types to use the same interface when using ALMES. The user types include:

- End user customers accessing ALMES through the World Wide Web
- In-house operators accessing ALMES through the LAN
- Clients accessing ALMES through the World Wide Web (see Premium Service)

A common Web browser interface significantly reduces client/server development, eliminating the need for custom-built client interfaces. Since the Web browser employs near-open industry standards, ALMES will have considerable flexibility, scalability, and extensibility. Updating the client applications will only require new HTML development as opposed to client-side database development. This method also reduces licensing fees and allows for common HTML pages to be re-used among the distinct user types. HTML 3.0 compatible Web browser will also support new technologies such as Sun Microsystem's Java, allowing for future integration of real-time data feeds, video and voice transmission, and other useful features.

Use

The ALMES backbone will be a Corporate Wide Web (CWW) intranet connected to the corporate LAN running TCP/IP. The Corporate Web Server (CWS) will also be connected to the Internet through a high-speed dedicated line. The CWS will reside outside of the LAN, allowing corporate users secured access through a network gateway, proxy server, and firewall. Conversely, non-registered end users accessing the ALMES home page through the Internet will be allowed access only to the flat-file HTML structure which resides on the CWS.

Corporate Use

Corporate operators will use the ALMES Web browser interface to perform customer data entry, customer queries, and to contact registered clients for bidding. The Web browser interface will employ CGI Perl scripts to access the Corporate Database, allowing the operator to enter information, query the database and obtain dynamically-generated HTML pages specific to customer or client requests. Additionally, this system can be expanded as the Corporation grows to include access to Corporate bulletins, performance tracking, information and document management, and other services. Such expansion would require no additional in-house training as the system would be using the same Web browser interface.

Operators will use the common Web browser interface to enter information they obtain through the 800 customer number or through dealership phone or fax responses.

Client Use

Clients will be able to directly access ALMES using a Web browser interface. Registered clients using the Premium Service will dial up a local ISP and logon to ALMES using a secure password. These users will be entering the CWW through our dedicated high-speed connection and will, after logging in, be allowed access to their own custom web page, which will serve as a starting point to obtaining database queries, bidding information, and bidding submission. Additionally, clients may, in the future, be able to update information on their own corporate web pages (if sponsored through The Obrecht Group) using this same interface. Clients will incur minimal cost in using this system, other than the cost of a PC, high-speed modem, an ISP, and a Web browser. These costs are substantially less expensive than a proprietary client solution, dedicated remote-access, and training.

Customer Use

Potential or registered customers may access ALMES via the World Wide Web using many of the same HTML components as the Corporate operators. Allowing users to register on-line, place a bid, and receive a response from our clients will reduce Corporate costs by eliminating the need for operator assistance. Development of the customer interface will also be minimal, since the same interface is being used both internally and externally.

Additionally, other services offered to users may include an extensive database of automobile information, including pricing, options, and photos. The Corporation may also offer a "Blue Book" service, allowing users to obtain up-to-date prices on used cars. Both types of service should be available to the general public and should require no cost on the user end – including registration information. Such services will increase the overall volume of traffic to the Web site as well as provide a useful and meaningful value-added service. Such incentives have historically contributed to the success of many on-line ventures and can only serve to increase the prestige and perceived quality of the Corporation in the eyes of the public.

In order to give registered users an incentive to return to our service, the Corporation can offer custom Web pages which include customer service updates from our clients, timely information pertaining to their purchase, and other specific information that would interest the customer. Such information can be dynamically generated from our Corporate database using past user demographic information as the guidelines for construction. Such a service can serve as a conduit for our clients to reach their customers, allowing them to post periodic service updates, promotions, or reminders. The value of such custom-tailored information is immense, considering that such a system can be semi-automatic and require that our clients incur no personnel or postage costs.

Logical Design

The ALMES CWW backbone will run continuously on web server software, allowing customers to access the system via the Internet 24 hours a day. The ALMES Web will consist of HTML pages, graphic images, dynamically generated HTML pages, and other supported formats as need (i.e. PDF, RealAudio, VDOLive, VMRL, etc.).

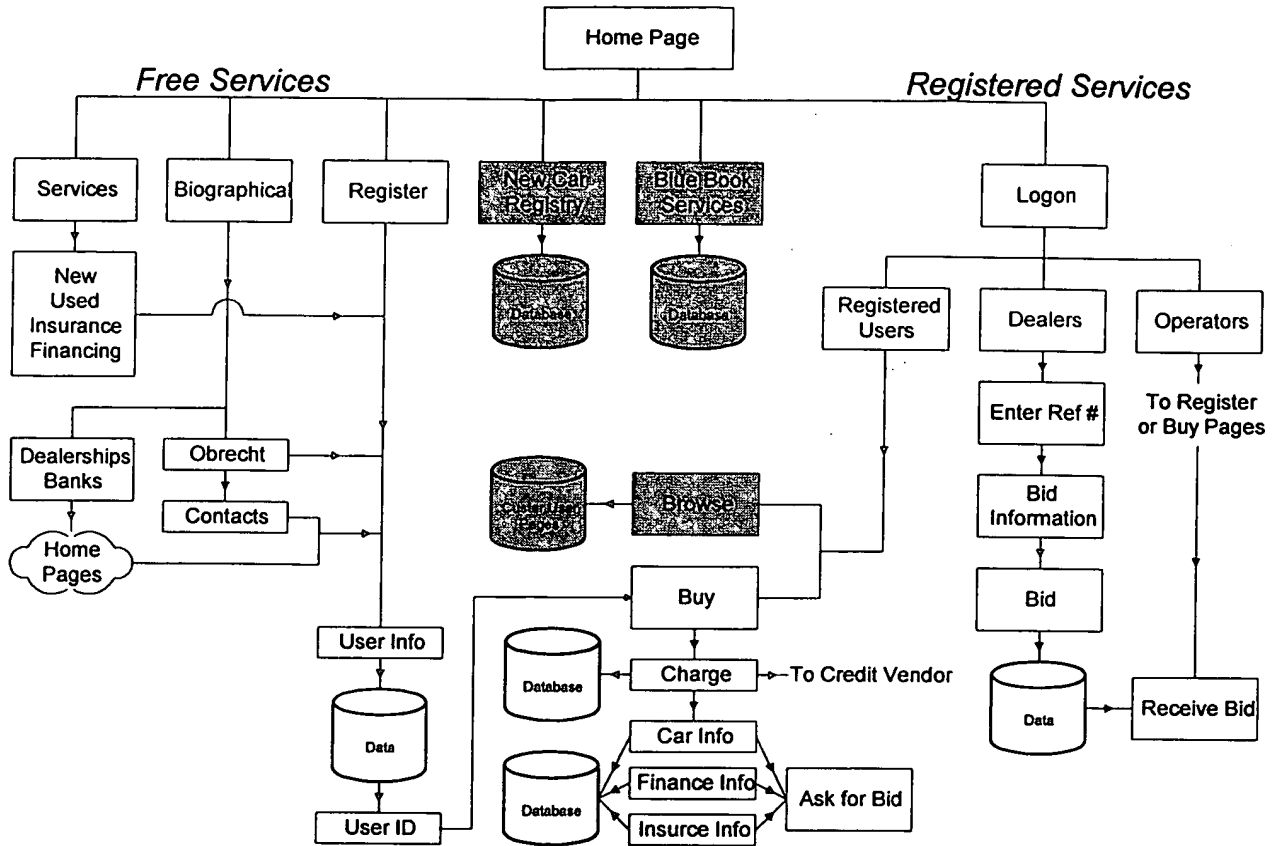
The HTML pages consist of data, graphics, and hyperlinks, which will be designed and maintained by the Webmaster. The Webmaster will be responsible for the overall design, layout, and implementation of the CWW, and will administer both the web server hardware and software. The Webmaster will also work in conjunction with the Database administrator and the LAN administrator, as there will be frequent technological overlap between the various jobs.

The HTML files will serve as the skeletal structure of the Web, and will be stored in a flat-file directory on the web server. The HTML files act as both informational resources and navigational aids for the end user. The majority of HTML pages will be static; meaning that they will be pre-generated, non-changing pages that will provide a consistent interface for the end-user. Such pages can, of course, be updated as needed, but require manual editing of the HTML to do so.

Other HTML files will be generated dynamically by interfacing the web server with the Corporate database. Dynamically generated HTML files will include:

- Customer purchasing profiles to be viewed by the clients
- Bidding reports compiled from client bids
- Customer profiles for use by operators and clients
- Custom pages for registered customers
- New Car Registry information
- Blue Book Services

The Obrecht Group, Inc. High Level Web Page Structure for ALMES





P.O. Box 16398 Baltimore, Md 21210
• (410) 427-1000 • Fax (410) 427-2886

E X H I B I T B

Rough Summary of Official Correspondence with MVA and Attorney General's office

<u>Date</u>	<u>Correspondence</u>	<u>To(From)</u>	<u>Regarding</u>
[REDACTED]	Letter	Andy Srebowski	Seeking MVA approval (Andy comments that he simply forwards request for "opinion" to Attorney General's office)
[REDACTED]	Fax	Dore Schwartz	Copy of MVA letter (I got Dore's name from a mutual friend and decided it might speed up matters to start speaking directly to Dore. Dore comments that she will go get the request from Andy to start reviewing it. I offer to fax a copy to her to save her the trouble.)
[REDACTED]	Fax	Dore Schwartz	Revised copy of letter (I send a revised letter to Dore to clarify some issues raised from the initial letter sent to the MVA.)
[REDACTED]	Fax/letter	Fr. Dore Schwartz	Official "No opinion" letter (Dore comments that she cannot offer a positive or negative response and that furthermore her office "does not have the resources to respond to the many requests for advice we receive from Private Attorneys and Members of the public.")
[REDACTED]	Fax/letter	Dore Schwartz etc	Wells' response to AG letter (I argue that she has no legal basis for being unable to render an opinion.)
[REDACTED]	Phone	Dore Schwartz	Called to verify receipt my response (Dore comments she's about to forward a letter responding to my objections. Comments that she still believes NAQS is a referral service and that she will not meet with me and private counsel.)
[REDACTED]	Fax/letter	Fr. Dore Schwartz	Stands by initial "No opinion" (Dore stands by her initial letter and instructs me to rely on private counsel to resolve the issue.)
[REDACTED]	Meeting in Person	Ms. Schwartz, Mr. Acton, Mr. Joyce, Mr. Nilson,	